

**Tennessee Ethics Commission**  
**November 8, 2007**

Pursuant to the call of Chairman Donald J. Hall, the Tennessee Ethics Commission ("Commission") met on Thursday, November 8, 2007 at 10:30 a.m., in the Executive Conference Room at the State Capitol.

The following members were present: Donald J. Hall (Chair), Thomas J. Garland, Linda W. Knight, Dianne F. Neal, and Benjamin S. Purser, Jr. R. Larry Brown was absent.

Chairman Hall called the meeting to order at 10:30 a.m. Chairman Hall announced that the purpose of the meeting was to interview candidates for the General Counsel position and stated the format for the interview as a question and answer session, and an optional closing statement by the candidate.

The Commission interviewed the following candidates for the position of General Counsel: David Himmelreich, John B. Allyn, James R. Allen, and Robin Kimbrough.

After the interviews, the Commission discussed the procedure to be used for choosing the final candidate. Commissioner Garland stated that he did not want to automatically go to the second choice if the first choice declined the position. The Commission discussed each candidate in order of interview. Commissioner Purser suggested that each commissioner identify two candidates and see if the Commission could come to agreement on one candidate. General Counsel Turner advised the Commission that they could write their selection on paper and deliberate openly. Commissioner Purser stated that the statute reads that the Executive Director makes a recommendation and that Mr. Androphy could recommend two candidates. Mr. Androphy recommended David Himmelreich and James R. Allen. The Commission voted and selected Mr. Allen as their first choice and Mr. Himmelreich as the second choice. Commissioner Knight made the motion to offer the position of General Counsel to James R. Allen. Commissioner Purser seconded and the vote was unanimous. The Commissioner authorized the Executive Director to offer Mr. Allen up to \$90,000 annually.

The Commissioners then offered their gratitude to General Counsel Anne Turner for her diligence and hard work and expressed their best wishes in her future endeavor.

Commissioner Hall stated that the legislative Joint Study Committee on Ethics ("Committee") will meet on November 27 at 9 am. He read the charge to the Committee that "the Tennessee Ethics Commission and all other appropriate state agencies shall provide assistance to the committee at the call of the chair." He added that it is not known if the Commission will be asked for specific suggestions and that anything presented to the Committee will be discussed and authorized by the Commission. Mr. Androphy stated that Rep. Gary Odom, chair of the Committee, had requested copies of Advisory Opinions issued by the Commission. He stated that since a member of the

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Committee had expressed concerns about the Commission's website, he would give a demonstration at the November 27 meeting.

Commissioner Hall explained that the Commission has two draft rules and it is becoming increasingly important that the Commission take action. The Commission first discussed the draft complaint proceedings rules. There were two versions to consider: one by General Counsel Turner and the other submitted by Commissioner Knight. The Commission considered the differences in the two versions.

General Counsel Turner referred to page 6 of Commissioner Knight's version and stated that it was preferable to use the language as stated by the Department of State. She asked if there was a consensus to remove that language. Commissioner Purser made a motion to remove the language; Commissioner Knight seconded. The motion passed unanimously.

The next edit considered was paragraph 7. General Counsel Turner recommended that the Commission put in a policy and make that decision on a case by case basis. Commissioner Knight stated that should be done on a motion to reconsider. Commissioner Neal stated that if there is new evidence there would be a motion to reconsider. Commissioner Knight made the motion to add a phrase on page 6. Commissioner Neal seconded and the motion passed unanimously.

Commissioner Knight made the motion to consolidate the order finding violation with the order assessing penalties and only issue one order at conclusion of proceedings. Commissioner Neal seconded and the vote was unanimous. It was noted that the 72 hour review would apply.

The meeting adjourned at 4:37.

Respectfully submitted,

Becky Bradley